

17  
PATENT

IN THE UNITED STATES

**PATENT AND TRADEMARK OFFICE**

APPLICANT(S): Robert J. Bernardi, Steven F. Burson, Lawrence Gollbach,  
Allen Woo and James Bobisuthi

APPLICATION NO.: 09/854,172

FILING DATE: May 11, 2001

TITLE: AUTO-ADJUST NOISE CANCELING MICROPHONE WITH POSITION SENSOR

EXAMINER: Not Yet Known

GROUP ART UNIT: 2642

ATTY. DKT. NO.: 18864-06052US

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Commissioner For Patents, Washington, D.C. 20231, on the date shown below:

Dated: September 7, 2001

By: Martin S.C. Loui  
Martin S.C. Loui, Reg. No.: 43,411

BOX MISSING PARTS  
COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING  
PARTS OF APPLICATION**

SIR:

Responsive to the Notice to File Missing Parts dated July 11, 2001 received in the above-identified patent application,

☒ Enclosed are:

- ☒ a copy of the Notice to File Missing Parts;
- ☒ an original, signed Declaration;
- ☒ an original, signed Power of Attorney;
- ☒ an Application Data Sheet;
- ☒ payment in the amount of \$130.00 for the

- ☐ application filing fee;
- ☐ fee for additional claims; and
- ☒ missing parts surcharge.

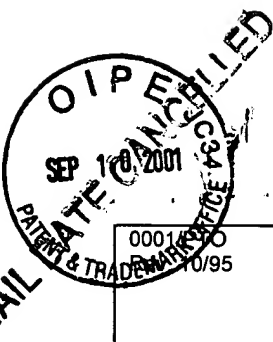
☒ Other:      Amendment A

☐ Applicant claims small entity status under 37 C.F.R. § 1.27.

Respectfully submitted,  
ROBERT J. BERNARDI, *et al.*

Dated: SEPTEMBER 7, 2001

By: Martin S.C. Loui  
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PTO/SB/21 (modified)

Approved for use through xx/xx/xx, OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

0001/0000 SEP 10 2001 PATENT & TRADEMARK OFFICE	U.S. Department of Commerce Patent and Trademark Office	Application Number	09/854,172	
		Filing Date	May 11, 2001	
		First Named Inventor	Robert J. Bernardi	
		Group Art Unit Number	2642	
		Examiner Name	Not Yet Known	
Total Number of Pages in This Submission		15	Attorney Docket Number	18864-06052US

**TRANSMITTAL FORM**

(to be used for all correspondence during pendency of filed application)

**ENCLOSURES (check all that apply)**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate)<br><input checked="" type="checkbox"/> Check Enclosed   | <input type="checkbox"/> Issue Fee Transmittal   |
| <input checked="" type="checkbox"/> Return Receipt Postcard   | <input type="checkbox"/> Letter to Chief Draftsperson  |
| <input checked="" type="checkbox"/> Response to Notice to File Missing Parts  | <input type="checkbox"/> Formal Drawing(s):<br>[ ] Sheet(s) of Figure(s) [ ]                           |
| <input type="checkbox"/> Assignment & Recordation Cover Sheet   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences                    |
| <input checked="" type="checkbox"/> Declaration   | <input type="checkbox"/> Appeal Communication to Group<br>(Appeal Notice, Brief, Reply Brief)          |
| <input checked="" type="checkbox"/> Power of Attorney   | <input type="checkbox"/> Certified Copy of Priority Document(s)  |
| <input checked="" type="checkbox"/> Application Data Sheet  | <input type="checkbox"/> After Allowance Communication to Group  |
| <input type="checkbox"/> Information Disclosure Statement & PTO-1449<br><input type="checkbox"/> Copies of IDS Cited References | <input checked="" type="checkbox"/> Copy of Notice to File Missing Parts of Nonprovisional Application |
| <input type="checkbox"/> Request for Corrected Filing Receipt   | <input checked="" type="checkbox"/> Amendment A  |
| <input type="checkbox"/> Request for Correction of Recorded Assignment  | <input type="checkbox"/>   |
| <input type="checkbox"/> Amendment/Response: [ ] Page(s)<br><input type="checkbox"/> After Final                                | <input type="checkbox"/>   |
| <input type="checkbox"/> Status Request   | <input type="checkbox"/>   |
| <input type="checkbox"/> Revocation and Substitute Power of Attorney  | <input type="checkbox"/>   |

REMARKS:

**SIGNATURE OF ATTORNEY OR AGENT**

Signature:	<i>Martin S.C. Loui</i>		
Attorney/Reg. No.:	Martin S.C. Loui, Reg. No. 43,411	Dated:	September 7, 2001

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.

Signature:	<i>Martin S.C. Loui</i>		
Typed or Printed Name:	Martin S.C. Loui	Dated:	September 7, 2001
Express Mail Mailing Number (optional):			



0002 PTO (modified)  
Rev. 10/2000 U.S. Department of Commerce  
Patent and Trademark Office

**FEE TRANSMITTAL**

**TOTAL AMOUNT OF PAYMENT**

Subtotal (1) + Subtotal (2) + Subtotal (3) = **(\$ 130.00)**

**Complete if Known**

Application Number	09/854,172
Filing Date	May 11, 2001
First Named Inventor	Robert J. Bernardi
Group Art Unit	2642
Examiner Name	Not Yet Known
Attorney Docket Number	18864-06052US

**METHOD OF PAYMENT**

**FEE CALCULATION (continued)**

**1. The Commissioner is hereby authorized to:**

- ☐ Charge the indicated fees to the below mentioned deposit account.
- ☒ Charge any additional fee required under 37 CFR 1.16 - 1.21 or credit any over payments to the below mentioned deposit account. <sup>†</sup>
- ☐ Applicant claims small entity status  
See 37 CFR 1.27

Deposit Account Number: 19-2555  
Deposit Account Name: FENWICK & WEST LLP

☒ Duplicate Copy of this authorization is attached

- ☒ **Payment Enclosed:**
- ☒ Check ☐ Credit Card ☐ Other

**FEE CALCULATION (fees effective 10/01/2000)**

Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due
101/\$710	201/\$355	Utility Filing	<input type="text"/>
106/\$320	206/\$160	Design Filing	<input type="text"/>
108/\$710	208/\$355	Reissue	<input type="text"/>
114/\$150	214/\$75	Provisional Filing	<input type="text"/>
<b>SUBTOTAL (1)</b>			<b>(\$).00</b>

**2. CLAIMS**

Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description
103/\$18	203/\$9	Claims in excess of 20
102/\$80	202/\$40	Independent claims in excess of 3
104/\$270	204/\$135	Multiple dependent claim
109/\$80	209/\$40	Reissue independent claims over original patent
110/\$18	210/\$9	Reissue claims in excess of 20 and over original patent

**3. ADDITIONAL FEES**

Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due
105/\$130	205/\$65	Surcharge - late filing fee or oath	<b>130</b>
127/\$50	227/\$25	Surcharge-late provisional filing fee or cover sheet	<input type="text"/>
147/\$2,520	147/\$2,520	For filing a request for reexamination	<input type="text"/>
115/\$110	215/\$55	Extension for response within first month <sup>†</sup>	<input type="text"/>
116/\$390	216/\$195	Extension for response within second month <sup>†</sup>	<input type="text"/>
117/\$890	217/\$445	Extension for response within third month <sup>†</sup>	<input type="text"/>
118/\$1,390	218/\$695	Extension for response within fourth month <sup>†</sup>	<input type="text"/>
128/\$1,890	228/\$945	Extension for response within fifth month <sup>†</sup>	<input type="text"/>
119/\$310	219/\$155	Notice of Appeal	<input type="text"/>
141/\$1,240	241/\$620	Petition to revive unintentionally abandoned application	<input type="text"/>
142/\$1,240	242/\$620	Utility Issue Fee (Or Reissue)	<input type="text"/>
143/\$440	243/\$220	Design Issue Fee	<input type="text"/>
122/\$130	122/\$130	Petitions to the Commissioner	<input type="text"/>
126/\$180	126/\$180	Submission of Information Disclosure Statement	<input type="text"/>
179/\$710	279/\$355	Request for Continued Examination (RCE)	<input type="text"/>
581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)	<input type="text"/>
146/\$710	246/\$355	Filing a submission after final rejection (37 CFR 1.129(a))	<input type="text"/>
149/\$710	249/\$355	For each additional invention to be examined (37 CFR 1.129(b))	<input type="text"/>
Other fee (specify):			<input type="text"/>
Other fee (specify):			<input type="text"/>
<b>SUBTOTAL (3)</b>			<b>(\$ 130)</b>

(Col. 1)		(Col. 2)		(Col. 3)		Fee	Fee Due
For	No. of Existing Claims	minus*	Highest No. Previously Paid For	Extra**	x		
TOTAL		minus*	20 or 0		x		0
INDEP		minus*	3 or 0		x		0
[ ] First presentation of multiple dependent claim							

\* Subtract the greater number of Col. 2

\*\* If the difference between Col. 1 and Col. 2 is less than zero, then enter "0" in Col. 3

**SUBTOTAL (2)** **(\$).00**

**SUBMITTED BY**

Typed or Printed Name **Martin S.C. Loui**

Signature

*Martin S.C. Loui*

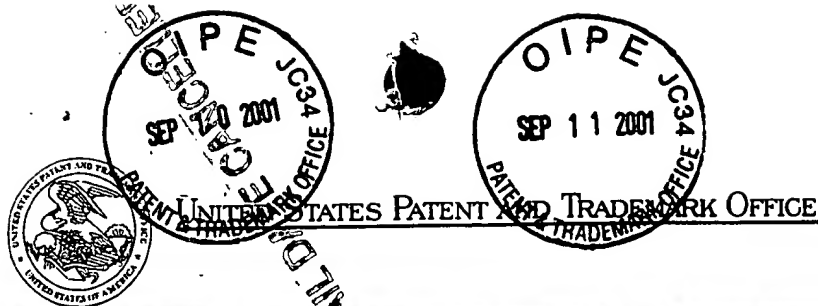
**Complete (if applicable)**

Reg. Number **43,411**

Date

**SEPTEMBER 7, 2001**

<sup>†</sup> Request for Extension of Time per 37 CFR 1.136 (a)(3) made hereby



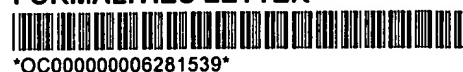
COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/854,172	05/11/2001	Robert J. Bernardi	18864-06052US

CONFIRMATION NO. 7206

00758  
FENWICK & WEST LLP  
TWO PALO ALTO SQUARE  
PALO ALTO, CA 94306

## FORMALITIES LETTER



\*OC000000006281539\*

Date Mailed: 07/11/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

09/14/2001 MBELETE1 00000066 09854172

01 FC:105

130.00 OP